

**REMARKS**

Review and reconsideration on the merits are requested.

Applicants appreciate the Examiner acknowledging receipt of copies of the certified copies of the priority documents from the International Bureau (there are two priority documents) and returning initialed PTO/SB/08 which was filed June 17, 2005.

**Restriction**

Applicants affirm their election of Group I, claims 12-15 and 19-22.

They amend claims 16-18 into a format which should permit these claims to be examined with claims now active.

They add claims 26-28 for purposes of rejoinder should the product claims be found allowable.

**35 U.S.C. § 112, Second Paragraph**

Claim 14 is rejected as being indefinite on two grounds:

(1) Claim 14 depends on claim 12 and recites "said colloid-detecting agent" but claim 12 does not provide antecedent basis for "colloid-protecting agent".

Claim 14 is amended to provide antecedent basis.

(2) It is unclear whether the relative molar ratio of the colloid-protecting agent is based on the actual molar of the polymer or the monomer.

It is based on the monomer, and claim 14 is appropriately amended. See page 7, [0021] and page 10, [0032].

Withdrawal is requested.

**The Prior Art Relied Upon**

JP 2002-212102 (JP '102); JP 11-346715, Abstract (JP '715); U.S. 6,090,858 El-Sayed (El-Sayed); HCAPLUS Abstract 2001:47787 Devi et al (Devi); Applicants' acknowledged prior art (acknowledged prior art); U.S. 3,878,664 Zinke (Zinke).

**The Rejections**

Claims 12-15 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '102 in view of JP '715, El-Sayed, Devi and acknowledged prior art. Page 5 of the Action.

Claims 12-15 and 19-22 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over the above prior art further in view of Zinke. Page 9 of the Action.

The Examiner's position on the prior art and explanation of the rejections are set forth in the Action and will not be repeated here except as necessary to an understanding of Applicants' traversal which is now presented.

**Traversal**

JP '102 discloses (Abstract) that a colloidal platinum has a size of 2-3 nm as particles and 4-8 nm as aggregates, which particles and aggregates fall within the scope of the present claims. However, the colloidal platinum is used as an electronegative, chemical bioactive particle, and thus the purpose of the colloidal platinum of JP '102 is different from that of the nanocolloidal platinum dispersion of the present invention, the purpose being to remove active oxygen species.

Particularly, the nanocolloidal platinum dispersion of the present invention has an unexpected superior effect such that  $O_2^-$  generated in the HXN/XOD system is removed when the aqueous sodium polyacrylate solution containing the nanocolloidal platinum is added. While the amount of  $O_2^-$  in Comparative Example 1 is substantially the same as the control as shown in

Fig. 5 and paragraph [0083] of the specification, the above effect is neither disclosed nor suggested by JP '102.

Though JP '715 discloses (Abstract) that a colloidal solution of two platinum group metals including platinum enables one to eliminate active oxygen, JP '715 does not disclose the sizes of the platinum particles, and does not teach or suggest any unexpected superior effect of removing the active oxygen as shown in Fig. 5.

The other references, El-Sayed, Devi, Applicants' acknowledged prior art and Zinke, also do not disclose the above superior effect of removing active oxygen as shown in Fig. 5.

Turning now to the "average particle size of 1-3 nm" now inserted into claim 12, this finds support in paragraph [0033] at page 11 of the specification. This is an important limitation because, as shown in Table 1, the average particle size is smaller depending upon the R value, and the average particle size is smaller than 3 nm when the R value is in a range of 100-150, the range which is recited in amended claim 14. In this regard, the Examiner's attention is directed to the results in Table 1 at page 28, showing unexpectedly superior results for a R value of 100-150.

With respect to the amendment to line 3 of claim 12, namely "capable of removing active oxygen species", basis is believed self-apparent and this emphasizes the distinguishing feature of the present invention which is to use the nanocolloidal platinum as a remover of active oxygen species.

Claim 13 is amended by adding "said" so as to be compatible with claim 12.

With respect to the amendment regarding the R value in claim 14, this finds support in paragraph [0041] at page 13, and has been argued with respect to Table 1 above.

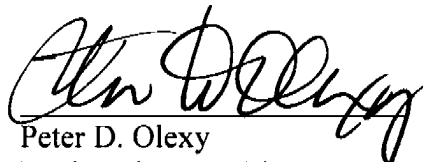
Regarding new claims 23-25, claim 23 finds basis in paragraph [0036] at pages 12-13 of the specification, and new claims 24 and 25 find support in paragraph [0035] at page 12 of the specification.

Claims 26-28 correspond to claims 16-18 as filed but amended for rejoinder purposes.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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